

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RODNEY D. TRUITTE,

Petitioner,

Case Number: 02-CV-72486

v.

HON. GERALD E. ROSEN

PAUL H. RENICO,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

Petitioner Rodney D. Truitte filed a *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. On September 29, 2004, the Court issued an Opinion and Order Denying Petition for Writ of Habeas Corpus. Petitioner then filed a Motion for Certificate of Appealability. The Court denied Petitioner's Motion for Certificate of Appealability. Petitioner filed a Motion for Leave to File an Amended Motion for Certificate of Appealability, which the Court denied on April 11, 2005. Now before the Court is Petitioner's Motion for Reconsideration of the Court's April 11, 2005 Order.

In a motion for rehearing or reconsideration "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." L.R. 7.1(g)(3). A "palpable defect" is a "defect which is obvious, clear, unmistakable, manifest or plain." Olson v. The Home Depot, 321 F. Supp. 2d 872, 874 (E.D. Mich.

2004) (Gadola, J.). Further, the Local Rules also provide that “the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.” L.R. 7.1(g).

Petitioner’s arguments in support of reconsideration amount to a disagreement with the Court’s decision. A motion predicated on such an argument is an insufficient ground upon which to grant a motion for reconsideration. L.R. 7.1(g)(3); *see also*, Meekison v. Ohio Department of Rehabilitation and Correction, 181 F.R.D. 571, 572 (S.D. Ohio 1998). Petitioner fails to demonstrate that the Court’s decision was based upon a palpable defect by which the Court was misled. Therefore, the Court shall deny the Motion for Reconsideration.

Accordingly, **IT IS ORDERED** that Petitioner’s Motion for Reconsideration is **DENIED**.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: May 13, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 13, 2005, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager